

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARCIA NESSLE, on behalf of herself and all others similarly situated,)	
)	
Plaintiff,)	Civil Action No. 1:07CV3009
)	
vs.)	Judge Christopher A. Boyko
)	
WHIRLPOOL CORPORATION,)	Magistrate Judge William H. Baughman
)	
Defendant.)	

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF PLAINTIFF'S CLAIMS
AGAINST DEFENDANT WHIRLPOOL CORPORATION**

The parties, through their respective attorneys, stipulate to dismissal with prejudice of all claims asserted by Plaintiff Marcia Nessel against Defendant Whirlpool Corporation, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). The parties to this action have resolved their claims through settlement, with each party to bear its or her own costs and attorneys' fees, except as otherwise provided in the parties' settlement agreement.

Whirlpool Corporation agrees that the statute-of-limitations periods applicable to each of the claims asserted in Plaintiff's complaint have been tolled for members of the putative Ohio class from the date of Plaintiff's filing of the complaint on October 2, 2007, through the date on which this Stipulation for Dismissal With Prejudice of Plaintiff's Claims Against Defendant Whirlpool Corporation is filed. The members of the putative class to which this tolling stipulation applies includes current and former Ohio residents who purchased a new Whirlpool®-brand or Whirlpool Gold®-brand side-by-side refrigerator containing a standard in-door ice dispenser system ("the IDI refrigerators") manufactured by Whirlpool during the period January 1, 2000, through and including the date of the filing of this stipulation. The subject IDI

refrigerators include all 22-cubic-foot, 25-cubic-foot, and 69-inch and 72-inch counter-depth Whirlpool®-brand or Whirlpool Gold®-brand refrigerators.

Dated this 20th day of January, 2009.

s/ Steven A. Schwartz

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 20th day of January, 2009, a copy of the foregoing was served on all parties in the above-referenced matter by electronic mail as follows:

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